

<sup>1</sup> For the State of Indiana, such authority would be delegated to the Indiana Utility Regulatory Commission (“IURC”) under Ind. Code §§ 8-1-1-1, *et seq.*

numbers to the North American Numbering Plan Administrator (“NANPA”) to optimize available numbering resources.<sup>2</sup>

To date, numbering resource conservation has been good for Indiana consumers. It has shielded them from the inconvenience, expense and confusion associated with implementing Area Code relief, whether through Area Code splits or overlays, before such measures are truly necessary. However, despite successful implementation of 1,000-block number pooling in several parts of the state,<sup>3</sup> NANPA projections indicate that three of Indiana’s six Area Codes are nearing exhaust.<sup>4</sup> Of those three areas, only one is subject to mandatory implementation of 1,000-block number pooling throughout the entire NPA -- the 317 NPA. Expanding the IURC’s authority to mandate 1,000-block number pooling in additional parts of the state could significantly help Indiana consumers by increasing the remaining life of Indiana’s 812<sup>5</sup> and 765 NPAs.

Information available on the NANPA’s web page shows that 1,000-block number pooling has led to more efficient numbering resource utilization practices, has extended the projected lives of numerous NPAs across the country, and therefore has helped

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<sup>2</sup> The IN-OUCC understands that NANPA could also order the return of number blocks with a contamination level of 10% or less.

<sup>3</sup> Mandatory number pooling has already been implemented in all parts of the state located within one of the nation’s top-100 MSAs, consistent with prior Commission Numbering Resource Optimization (“NRO”) Orders in this proceeding.

<sup>4</sup> NANPA is currently projecting the exhaustion of numbering resources in Indiana’s 812 Numbering Plan Area (“NPA”) in the fourth quarter of 2009, in the 765 NPA in the second quarter of 2011, and in the 317 NPA in the first quarter of 2012.

<sup>5</sup> If prompt action is taken to implement 1,000-block number pooling in strategic portions of the 812 NPA, people and businesses throughout the southern third (1/3) of Indiana could still avoid premature implementation of Area Code relief.

increase the remaining life of the North American Numbering Plan (“NANP”). If the IURC and utility regulatory authorities in other states are able to significantly delay the need for Area Code relief by conserving telephone numbering resources through mandatory 1,000-block number pooling, that should be state and federal regulators’ first choice for dealing with numbering exhaust problems. State commissions have unique knowledge of population growth and numbering usage trends in their states. The public interest at state, federal and NANP levels will best be served by permitting all state commissions to order mandatory number pooling if, when and to the extent necessary to prevent or delay further exhaustion of limited numbering resources.

## II. DISCUSSION

In three of Indiana’s six NPAs, nearly all wire centers are participating in 1,000-block number pooling even though pooling is only mandatory throughout one -- the 317 NPA. The degree of participation in 1,000-block number pooling in Indiana’s three other NPAs ranges from 28% to 78%.<sup>6</sup> With the exception of the 317 NPA, which includes Indianapolis and its growing suburbs, the Area Codes in Indiana encompass some cities, but substantially more small towns and villages, with significant adjacent rural areas. Some telecommunications service providers in those areas have voluntarily implemented

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<sup>6</sup> See NeuStar’s most recent Pooling Rate Center Report which shows that 1,000-block number pooling has been implemented in 100% of rate centers in the 317 NPA, approximately 98% of rate centers in the 219 NPA, 96% of rate centers in the 260 NPA, 78% of rate centers in the 574 NPA, 36% of rate centers in the 765 NPA, and 28% of rate centers in the 812 NPA.

1,000-block number pooling,<sup>7</sup> but additional participation in numbering conservation efforts is needed in order to avert the premature implementation of Area Code relief, whether through splits or overlays -- especially in Indiana's 812 and 765 NPAs.

According to NANPA's figures, the 812 NPA will run out of numbers for assignment in the fourth quarter of 2009. Due to limited proximity to any of the top-100 MSAs, only approximately 28% of the 171 rate centers in the 812 NPA are subject to mandatory pooling requirements. After excluding rate centers in which some of the incumbent local exchange carriers ("ILECs") originally reported not being able to perform full local number portability ("LNP"), there are 97 rate centers in the 812 NPA in which providers could voluntarily participate in 1,000-block number pooling without significant delay. Of those rate centers, 21 appear to have only one telecommunications service provider -- a factor that negates any immediate benefit from implementing 1,000-block number pooling in those areas.

The remaining 76 LNP-capable rate centers in the 812 NPA have two or more service providers with assigned numbering resources. A summary of wire center data was published in a recent Pooling Administration Report. That report shows that, as of the end of February, 2006, there were 1,185 uncontaminated blocks of 1,000 numbers (*i.e.*, a total of 1,185,000 telephone numbers) still available for assignment in those 76

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<sup>7</sup> Some Indiana telephone companies that have voluntarily implemented 1,000-block number pooling outside of any of the top-100 MSAs may have acted altruistically, simply doing their part to conserve limited numbering resources. Others may have initiated voluntary efforts after being ordered to implement mandatory 1,000-block pooling in other parts of the state (*i.e.*, inside one of the top-100 MSAs), perhaps due to a desire to maintain state-wide uniformity in the companies' network capabilities.

rate centers.<sup>8</sup> If mandatory 1,000-block pooling can be implemented in those 76 rate centers, the projected exhaust date for Indiana's 812 NPA might be delayed for several years. Looking ahead, if the same approach is used in Indiana's 574 and 765 NPAs, similar results could be achieved, allowing Indiana consumers and local service providers in those areas to avoid the inconvenience and expense of unnecessarily or prematurely implementing Area Code relief.<sup>9</sup>

### III. Specific Comments

Indiana's numbering resource utilization should significantly improve if the IURC is given the ability to require mandatory 1,000-block number pooling in wire centers where pooling can help extend the remaining life of existing Area Codes. Section 251(e)(1) of the Telecommunications Act of 1996 allows the Commission to delegate authority to implement mandatory 1,000-block number pooling to the states to further federal numbering resource optimization goals. Indiana's new telecommunications reform statute (H.E.A. 1279, eff. March, 2006) preserves the IURC's authority and recognizes its continuing duty to implement federal telecommunications policy as determined by Congress and the Federal Communications Commission. It is generally expected that the need for numbering resources will increase with the level of

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<sup>8</sup> Looking at all 171 rate centers in the 812 NPA and all available numbering blocks (including uncontaminated blocks and blocks with 10% or fewer contaminated numbers), NANPA's February 27, 2006 planning document showed 2,143 numbering blocks still available for assignment in the 812 Area Code. However, the analysis presented in these comments conservatively focuses on the 76 rate centers identified above and looks only at uncontaminated blocks of numbers.

<sup>9</sup> The lower the percentage of rate centers in a given NPA that have implemented 1,000-block number pooling, the greater the potential for mandatory pooling to increase the remaining life of the Area Code. Since 1,000-block number pooling has only been implemented in 28% of all wire centers in the 812 NPA, mandating 1,000-block number pooling requirements in additional rate centers with multiple service providers presents the greatest opportunity to increase the remaining life of the 812 NPA. Indiana's 765 NPA shows similar promise. For 574, while 78% of its rate centers already have 1,000-block number pooling in place, the remaining 22% of the rate centers provide additional opportunity to further extend the life of the 574 NPA.

competition in the telecommunications industry – *e.g.*, with an increase in the number of cable TV companies that offer voice telephone services, an increase in wireless competition, continued growth in Voice Over Internet Protocol (“VOIP”) service, and possible future growth of broadband over powerline (“BPL”).

Section IV of the Commission’s Fifth Further Notice of Proposed Rulemaking (“FNPRM”) limits the issue currently under review to the question of whether to authorize states to extend mandatory 1,000-block number pooling requirements to NPAs other than those that include any of the country’s top-100 MSAs. The IN-OUCC fully supports the further grant of such authority to all states, without requiring states to seek special state-specific authority from the Commission to take action each time an Area Code approaches numbering resource exhaustion. It is more efficient and cost-effective for the Commission to grant such authority to all states, on a state-wide discretionary basis, before a jeopardy situation arises. Granting blanket authority to the states in advance will also maximize the numbering conservation benefits that can be achieved through additional mandatory 1,000-block number pooling. The states and this Commission should take all reasonable measures to protect and extend the life of the North American Numbering Plan, not just for the benefit of consumers and communications service providers in the United States, but also for consumers and service providers throughout North America. To that end, the Commission should require states to implement the most efficient and effective methods for conserving numbering resources.

In Paragraph No. 7 of the Fifth FNPRM on Numbering Resource Optimization, this Commission observed that optional number pooling had failed in four of the five states that petitioned for and received additional authority to mandate the use of 1,000-block number pooling outside the top-100 MSAs. Too few carriers voluntarily implemented 1,000-block number pooling in those states, resulting in a failure to reach numbering resource conservation goals.

Granting states the authority to mandate 1,000-block number pooling in additional geographic areas will allow states to maximize numbering resource conservation benefits, prolonging the life of individual Area Codes and, ultimately, the life of the North American Numbering Plan. State commissions' special knowledge of population growth trends and numbering assignment needs and their ability to quickly implement mandatory 1,000-block number pooling in strategically targeted areas permit the states to effectively implement federal numbering resource conservation policies in a way that maximizes the total conservation benefit achieved. Granting additional authority to the states will further federal numbering resource optimization goals.

In Indiana, if only part of an NPA is located within one of the top-100 MSAs, the Number Pooling Administrator and telecommunications service providers take the position that rate centers located outside the MSA are not specifically required to participate in 1,000-block number pooling.<sup>10</sup> States should be given the authority to

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<sup>10</sup> Of the six Area Codes in Indiana, only the 317 NPA has mandatory 1,000-block number pooling in all of its rate centers. Only some of the wire centers in each of the other five Indiana NPAs are located within one of the top-100 MSAs, so 1,000-block number pooling remains optional in most of the state.

mandate number pooling in those rate centers, as needed to extend the life of the Area Code.

After communicating with several rural local exchange carriers (“R-LECs”), the IN-OUCC believes there may be a need to further educate R-LECs and other small carriers on the fact that full LNP capability is not required to implement 1,000-block number pooling for number conservation purposes. As the Commission discussed in Footnote No. 9 on Page 3 of the Order inviting these comments, if Location Routing Number (“LRN”) architecture is available in a given rate center, the R-LEC has the technological ability to implement 1,000-block number pooling in that area. When the Commission issues an Order in this case, it could be helpful to re-emphasize that point.

Paragraph 4 of the FNPRM contains three possible requirements for states to receive delegated authority to mandate 1,000-block number pooling in new areas. Only one of those requirements should continue to apply – namely, that the affected NPA must have a remaining life span of at least one year. For the reasons previously stated, such determinations should be made by individual state commissions – not by this Commission.

Because of the current degree of 1,000-block number pooling in Indiana (both mandatory and optional), there may not be a need to adopt a master schedule for rolling out mandatory 1,000-block number pooling in all parts of the state by a certain date, without regard to whether mandatory pooling in a given area would help extend the remaining life of the underlying NPA. Mandatory roll-out decisions are fact-sensitive and should be left to the discretion of individual state commissions.



Carriers operating in areas with optional (or voluntary) 1,000-block number pooling may not have sufficient incentive to devote necessary resources to accurately forecasting their future numbering resource requirements. Numbering forecasts for those areas tend to be overly optimistic, resulting in lower actual number utilization rates. The Commission should consider ways to help carriers more accurately project their future numbering resource needs.

#### IV. Conclusions

The IN-OUCC recommends that this Commission delegate authority to state commissions, permitting them to order mandatory number pooling as needed to extend the lives of existing Area Codes. The Commission already concluded in its Second Report and Order that the “state commissions are uniquely positioned to evaluate the best relief plan on a case-by-case basis and, therefore, the determinations of appropriate relief should be left to the state commissions.”<sup>11</sup>

At the end of the comment period in this proceeding, the IN-OUCC urges the Commission to promptly issue a decision granting states additional authority to strategically mandate 1,000-block number pooling in additional rate centers outside the top-100 MSAs. Time is of the essence to ensure that additional mandatory 1,000-block number pooling achieves the best possible numbering resource conservation result and that uncontaminated blocks of numbers are promptly returned to NANPA for reassignment under current federal guidelines. By granting this authority, the

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<sup>11</sup> Numbering Resource Optimization, Second Report and Order, CC Docket No. 99-200, FCC 00-429, December 29, 2000, at paragraph 68.

Commission will be giving state commissions the means to forestall the exhaustion of available numbering resources and the ability to meet anticipated additional demand for numbering resources associated with the growth or introduction of new telecommunications technologies, services and providers.

Respectfully submitted,

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